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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

| | | |
|---------------------------|---|---------------------------------|
| UNITED STATES OF AMERICA, |) | No. CR 07-70653 RS |
| |) | |
| Plaintiff, |) | STIPULATION AND [PROPOSED] |
| |) | ORDER EXCLUDING TIME FROM |
| v. |) | JANUARY 3, 2008 TO FEBRUARY 14, |
| |) | 2008 FROM THE SPEEDY TRIAL ACT |
| MATTHEW BRADLEY MORRISON, |) | CALCULATION (18 U.S.C. § |
| |) | 3161(h)(8)(A)) |
| Defendant. |) | |
| |) | |
| |) | |

On January 3, 2008 the parties appeared for a hearing before this Court. At that hearing, the government and defense requested an exclusion of time under the Speedy Trial Act based upon the defense counsel's need to effectively prepare by reviewing discovery materials submitted by the government, the need to continue defense investigation and the need to jointly negotiate a resolution in this matter. At that time, the Court set the matter for a hearing on February 14, 2008.

The parties stipulate that the time between January 3, 2008 and February 14, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for

1 effective preparation, taking into account the exercise of due diligence. Finally, the parties agree
2 that the ends of justice served by granting the requested continuance outweigh the best interest of
3 the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18
4 U.S.C. §3161(h)(8)(A).

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6 DATED: January 3, 2008

SCOTT N. SCHOOLS
United States Attorney

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8 /s/
JEFFREY B. SCHENK
9 Assistant United States Attorney

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11 /s/
CYNTHIA LIE
12 Attorney for Defendant

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between January 3, 2008 and February 14, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED:

HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE